

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WAYNE H NORMAN,

Plaintiff,

v.

PAPA MURPHY'S INTERNATIONAL,
INC.,

Defendant.

CASE NO. C16-5115 RBL

ORDER GRANTING APPLICATION
TO PROCEED IFP

DKT. #1

THIS MATTER is before the Court on Plaintiff Wayne Norman's Motion for Leave to Proceed *in forma pauperis* [Dkt. #1].

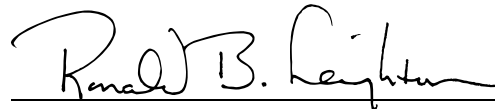
A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). A court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint

1 is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778
2 F.2d 527, 529 (9th Cir. 1985); *see also Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

3 First, Norman has been unemployed for almost one year. He has since received \$678.00
4 for disability, unemployment, workers compensation, or public assistance. He avers that he has
5 no savings, property, or cash on hand. He has made a sufficient showing of indigency. Second,
6 Norman sues Papa Murphy’s for texting him without disclosing that it was using autodialer
7 technology in violation of the Telephone Consumer Protection Act. He seeks actual and statutory
8 damages. His case has merit. Accordingly, his Motion to Proceed *in forma pauperis* [Dkt. #1] is
9 GRANTED.

10 IT IS SO ORDERED.

11 Dated this 23rd day of February, 2016.

12
13 

14 Ronald B. Leighton
United States District Judge